

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	
vs.	)	CIVIL NO. 15-573-MJR-PMF
	)	
\$96,480.00 IN UNITED STATES	)	
CURRENCY,	)	
	)	JURY DEMAND
DEFENDANT.	)	
	)	
JASON A. HUGHES and STEPHEN M. KOMIE	)	
Claimants.	)	

**CLAIMANT'S GENERAL DENIAL OF VERIFIED COMPLAINT**

NOW COME Claimant, JASON A. HUGHES, by and through his attorney STEPHEN M. KOMIE of KOMIE AND ASSOCIATES and pursuant to the Federal Rules of Civil Procedure; enters a general denial.

**General Denial**

Claimant JASON A. HUGHES, pursuant to Rule 8(b) enters a general denial of the verified complaint.

**Affirmative Defenses**

- A1. Claimant JASON A. HUGHES denies jurisdiction over defendant *res* since the defendant *res* was destroyed and no longer exists as plaintiff deposited the money in a bank without leave of court.
- A2. The complaint fails to state a claim upon which relief can be granted.
- A3. That the search, seizure, and proceeding *in rem* forfeiture violates the Fifth Amendment rights of the claimant to obtain just compensation from their government for the seizure of their property.

- A4. That these proceedings are used as a vehicle to employ summary judgment to deprive the claimant of his historic constitutional rights to a jury trial *in rem* forfeiture proceedings.
- A5. That the claimant's rights under the Fourth Amendment were violated in the search and seizure performed by the peace officers who seized the defendant currency.
- A6. That there was no probable cause for the seizure of defendant currency except for the presence of the claimant in the vehicle.
- A7. That there was no reasonable suspicion to stop claimant.
- A8. That the defendant *res* was not (1) furnished or intended to be furnished in exchange for a controlled substance, (2) traceable to such an exchange, or (3) used or intended to be used to facilitate a violation of Title 21 U.S.C. Section 881(a)(6).
- A9. That the claimant is the innocent owner of possibly contaminated currency.
- A10. That the United States currency is contaminated with trace amounts of drugs which leads to a canine alert, although, the money has not been derived from, a part of, or intended to be used in a controlled substance transaction.
- A11. That the amount to be forfeited is in violation of the excessive fines clause of the United States Constitution.
- A12. That the defendant currency has been destroyed by action of the plaintiff, resulting in spoliation of evidence and denial of due process rights of the claimant to obtain evidence on his own behalf

**Counter Claim**

**Count I**

**Attorney's Fees and Costs**

1. That Claimant believes he is entitled to attorneys' fees and costs of this action together with interest as provided by the Asset Forfeiture Reform Act.

**Count II**

**Claim for Additional Monies**

1. The claimant had an additional \$3,520.00 in United States Currency on his person which are unaccounted for.

2. The currency was removed from his person by TFO Pirtle and placed on the passenger seat.

3. The additional \$3,520.00 in United States Currency are not accounted for in the \$96,480.00 thus, the correct amount claimed is \$100,000.00 in United States Currency.

WHEREFORE, the Claimant, JASON A. HUGHES, respectfully pray this Court enter judgment in favor of the claimants and against plaintiff and respectfully prays for the following relief:

- A. That the Court enter a judgment in favor of the claimants and against the United States.
- B. That the Court grant costs in connection with the pursuit of a claim in this action.
- C. That the Court pursuant to statute as made and provided award attorneys' fees and costs for this action.

Respectfully submitted,

JASON A. HUGHES, Claimant  
by and through his attorneys  
KOMIE AND ASSOCIATES

By: /s/Stephen M. Komie  
Stephen M. Komie

Stephen M. Komie, Esq.  
Komie and Associates  
One N. LaSalle Street, Suite 4200  
Chicago, Illinois 60602  
312/263-2800

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**VERIFICATION**

I, JASON A. HUGHES, Claimant, under the penalties of perjury as provided by law, the undersigned certifies that the statements set forth in the General Denial of the Verified Complaint are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that I verily believe the same to be true.

Dated: 8/3, 2015

  
\_\_\_\_\_  
JASON A. HUGHES

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<hr/>		
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, deposes and states that a true and correct copy of **Claimant Jason A. Hughes' General Denial of Verified Complaint** has been served upon the below named party(ies), by filing said document in the CM/ECF system on August 4, 2015.

TO: Jennifer Hudson  
Assistant United States Attorney  
Nine Executive Drive  
Fairview Heights, Illinois 62208

/s/Stephen M. Komie  
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